

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Rock, Olaf Colin
ROCK AND COMPANY
Trelawn, The Green
Cassington
Witney OX29 4DN
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

By FAX IN ADVANCE

Date of mailing
(day/month/year)

07.12.2004

Applicant's or agent's file reference
MURFETT/D1

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/03274

International filing date (day/month/year)
22.07.2003

Priority date (day/month/year)
22.07.2002

Applicant
MURFETT, Jane Patricia

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Viegas da Cruz, I

Tel. +31 70 340-1923



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



Applicant's or agent's file reference MURFETT/DA	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/03274	International filing date (<i>day/month/year</i>) 22.07.2003	Priority date (<i>day/month/year</i>) 22.07.2002
International Patent Classification (IPC) or both national classification and IPC A61D9/00		
Applicant MURFETT, Jane Patricia		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 11 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 18.02.2004	Date of completion of this report 07.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Vanrunxt, J Telephone No. +31 70 340-2250 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/03274

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 received on 23.09.2004 with letter of 23.09.2004

Claims, Numbers

1-8 received on 23.09.2004 with letter of 23.09.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☒ the drawings, sheets: 4/4

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/03274

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

see separate sheet

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	3
	No: Claims	1,2,4-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03274

Re Item I

Basis of the report

Drawing page 4/4 has been withdrawn by applicant with letter of 23-09-2004. The remaining pages have been renumbered in 1/3-3/3.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following documents:

D1: US 4 355 600 A (ZIELINSKI GLORIA J) 26 October 1982 (1982-10-26)
D2: GB 393 279 (STEVENSEN BERYL) 30 May 1933 (1933-05-30)

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.1 The document D1 discloses (the references in parentheses applying to this document):

Document D1 discloses (the references in parenthesis applying to this document):

A dressing (11) for a four legged animal comprising:

a sheet member containing at least two apertures (13) for location at or near a front end of an animal to which the dressing is to be applied each adapted to receive a leg and thereby establish an axis of alignment for the dressing (11) relative to a longitudinal axis of an animal to which the dressing is applied; the sheet member being bounded by:

a first transverse (front) side (17), from which the two apertures (13) are spaced by an amount considerably less than the overall length of the sheet member, having a section which, with the dressing (11) located on an animal the section and the apertures (13) serve to establish the axis of alignment as aforesaid;
a second transverse (rear) side spaced on the axis of alignment and remote from the first transverse side (17);

first and second lateral sides (19,19') extending from the first transverse side (17)

along on either side of the axis of alignment, each lateral boundary (19,19') of the pair extending from the first transverse side (17) to the second transverse side; the first lateral side (19) of the pair being disposed on one side of the axis of alignment and the second lateral side (19') being disposed on the other side of the axis of alignment to first side; and
a locating means defined by the sheet member comprising a recess (27) defined by the sheet and adapted to receive a body region of an animal on which the dressing is to be used in its working configuration to provide for locating of the sheet member in the vicinity of the second transverse side on a body of an animal to which the dressing is attached to limit movement of the dressing in a direction coaxial with or parallel to the axis of alignment;
the dressing being adapted for being retained in a working configuration around the body of an animal with a leg of the animal extending through each of the apertures (13) and a standby configuration where the dressing (11) is available for use prior to wrapping around an animal.

- 2.2 The subject-matter of independent claim 1 differs from the disclosure of document D1 in that the sheet member includes two apertures.
- 2.3 The problem to be solved by the present invention may therefore be regarded as simplifying fastening of an animal dressing against an animal's body.
- 2.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
Document D2 discloses a dressing (1) for a four legged animal comprising a sheet member containing two apertures (3).
D2 also has locating means (see 8 figure 1).
- 2.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 DEPENDENT CLAIMS 2, 4-8

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/03274

- 3.1 The dressing from D2 is shaped so that in its working configuration the second lateral side leaves exposed a region of the animal body (see 8 in figure 1) (claim 2) and the apertures (3) include a sleeve (5) (claim 4). Therefore, the subject-matter of claims 2,4 is not inventive
- 3.2 The dressing from D1 has linkage means chosen from a group comprising: snap fasteners, a row of ties and VELCRO loop fasteners (see col. 2, lines 32-35) (claim 5), includes means (33,35) for retaining a local dressing (claim 6) and is of a material able to withstand a sterilisation process. Therefore, the subject-matter of claims 5,6 and 7 is not inventive.
- 3.3 Disposable dressings for animals are well known, see eg US6070557 (col. 6, lines 23-25). Therefore, the subject-matter of claim 8 is not inventive.

4 DEPENDENT CLAIM 3

- 4.1 The additional features of claim 3 are not disclosed in their present form in any of the documents cited in the search report.